

ABERDEEN CITY COUNCIL

NOTICE UNDER SECTION 82 OF THE CIVIC GOVERNMENT (SCOTLAND) ACT  
1982 OF A PROPOSED PROCESSION IN PUBLIC

Note: In terms of Section 82(2) of the Civic Government (Scotland) Act 1982, the minimum notice that you are required to give of your intention to hold a public procession is 28 days. Organisers should always endeavour to give further notice where possible. If you cannot meet the minimum notice period, the Council may waive such requirement, but only in exceptional circumstances and following consultation with the Chief Constable.

You should read the attached Policy/Guidance note on Public Processions and fill in all sections of this form. You must also complete and return a risk assessment form.

Please complete and sign this form and take 2 copies. Thereafter -

- (1) Send the original to Licensing, Legal and Democratic Services, Aberdeen City Council, Town House, Broad Street, Aberdeen, AB10 1AQ.
- (2) Send a copy to Grampian Police at Events Planning Unit, Aberdeen Division, Queen Street, Aberdeen, AB10 1ZA
- (3) Keep a copy for yourself.

Please complete the following details:

Organiser: Name STEWART AITKEN  
Address SEVENTEEN  
17 BELMONT STREET  
ABERDEEN  
Post Code AB10 1TR  
Tel No. 01224 213800  
Mobile No. 07504657780  
E-mail Address stewart@aiaf.org

(Please provide these details as this will enable us to contact you as soon as possible)

Organisation ABERDEEN INTERNATIONAL YOUTH FESTIVAL  
Date and Time of Procession SATURDAY 26<sup>TH</sup> JULY 2014 - 11am  
Reason for Procession AYF FESTIVAL PARADE

Proposed Route BEANS STREET  
QUEEN STREET, UPPER KIRK GATE,  
SCHOOL HILL, BLACKFRIARS STREET,  
ST. ANDREW'S STREET, TO FINISH  
ON GEORGE STREET PEDESTRIAN PRECINCT

- This is the agreed updated route

(Please attached plan if available)

Estimated Number of (1) Participants 550 (2) Vehicles 1

Arrangements for Controlling Procession VOLUNTEER + PAID STEWARDING

Number of Stewards 20 Number of Buses/Coaches 3 - at drop of point

Name of any Band(s) Participating No Pipe Bands -

CHINESE MARCHING BAND SCOTTISH TRADITIONAL BAND  
AFRICAN DANCERS

Please list the processions in which you have acted as organiser over the last three years -

Date of Procession	Organisation
<u>5/08/12</u>	<u>AFC - THE PORT PARADE.</u>
<u>PARTICIPATED IN TARTAN DAY PARADES</u>	
<u>08, 09, 10, 11, 13</u>	

I, the organiser, have read the Council's Code of Conduct on Processions and agree to keep to its Standard Conditions.

Signature \_\_\_\_\_ Date 10/07/14

#### DATA PROTECTION ACT 1998

Aberdeen City Council (the Data Controller) will process the information on this form for the purpose of placing any necessary conditions on the procession or preventing it, following due consultation. The information will be disclosed to Grampian Police and may also be circulated to Grampian Fire and Rescue Service and/or Enterprise Planning and Infrastructure, Aberdeen City Council for their statutory interest and to any other relevant body approved by the licensing authority. It may also be intimated to the H M Revenue & Customs. The information will also be held on a public register which will be available to members of the public on request.

GPL/LEGAL/APPSPUB/PROC/PP/NotificationForm

## **ABERDEEN CITY COUNCIL**

### **POLICY/GUIDANCE ON PUBLIC PROCESSIONS FOR ORGANISERS AND PARTICIPANTS**

#### **INTRODUCTION**

Like other cities and towns in Scotland, Aberdeen has a tradition of public processions and demonstrations. Please note that the use of the term "processions" in this guidance includes all parades, marches, cavalcades and demonstrations etc whether organised by Art, Civic, Cultural, Political, Religious, Sporting, Campaigning, Community or other groups.

While the right to process is protected by the Human Rights Act 1998, it is not an absolute right, and restrictions may be imposed. There may be occasions when participants or followers display an overtly controversial, political or religious affiliation which may cause offence to others and even provoke public disorder. Such behaviour is not to be tolerated in what is a friendly, welcoming and inclusive city. Accordingly this Guidance has been produced to help the Council, organisers and participants ensure that all processions take place in as disciplined a manner as possible and in accordance with all reasonable standards.

#### **LEGAL POSITION**

The Council's Policy operates within the context of Section 62 of the Civic Government (Scotland) Act 1982 as amended by the Public Order Act 1986. This means that, as a Council, we do not technically "approve" processions. In appropriate circumstances, however, we can prohibit, change the route, or time, or make conditions, as to how a procession takes place.

The Council must act within the law, apply the law precisely and base its decision on correct facts. The Council have to exercise discretion in a reasonable manner, act within its powers and be able to justify any conditions or prohibition in relation to the specific circumstances of a procession.

A major review of Marches and Parades in Scotland by Sir John Orr was published in January 2005 and led to amendments to the Civic Government (Scotland) Act 1982, as contained in the Police, Public Order and Criminal Justice (Scotland) Act 2006. The amendments are effective from 1st April 2007.

The Council's policy recognises the need to achieve a balance between the legitimate desire of people to demonstrate and protest, to celebrate their history and cultural traditions, or to raise awareness of issues which they regard as important, and the legitimate right of non participants to go about their daily lives with minimal disruption and inconvenience.

#### **POLICY AIMS AND PRINCIPLES**

It is critical to its success that the Council works with the Police and procession Organisers to ensure that their policy is :

- Applied equally to all organisations that might wish to hold processions in the City.
- Implemented fairly.
- Adhered to consistently.
- Monitored by its officers.

The Council's policy is intended to be a general one which applies to those who organise processions and those who wish to participate.

The policy is based on three key principles:

- The right to peaceful assembly and freedom of expression as outlined in the European Convention on Human Rights are Fundamental Rights which the City Council believes should be open to all.
- These rights are not absolute, however, and must be balanced by the responsibilities to ensure that the rights of others are not infringed.
- The exercise of those rights bring specific responsibilities both to those organising and participating in processions especially in relation to those residents whose lives may be disrupted by a particular procession.

This policy sets out issues which the Council considers important when dealing with the notification of a procession. This represents a general approach and each procession will be assessed on its own merits and according to circumstances.

Responsibility for a procession and its participants lies principally with the procession Organiser who must ensure a pre-planned, well organised and peaceful event that has as little negative impact as possible on local residents, businesses and communities. The Police too have a critical role in upholding the law in and around processions and demonstrations.

### **GUIDANCE FOR ORGANISERS**

We will require the Organisers of a procession to agree to certain conditions when notifying us of the intention to hold a procession. In practice there will be a degree of flexibility in how far the guidelines operate to reflect local circumstances.

#### Notification

Provide 28 days notice to the Council and the Police of the intention to hold a procession, except in exceptional circumstances, where this period of notice would be impractical.

Give notification as early as possible in those cases where a series of similar processions is proposed.

Co-operate with the Council and the Police from the time of submission of the notification of a procession until the procession disperses.

Identify himself / herself to the Police Officer in charge at the commencement of the procession.

Ensure that in the event of the procession or demonstration being cancelled, the Council and the Police are informed of this promptly and the cancellation confirmed in writing to the Council within 48 hours, unless this is impractical, due to exceptional circumstances.

Ensure all participants are dispersed as soon as the procession concludes.

Ensure that all participants have been informed of any conditions imposed on the procession, or changes to timing, route etc.

#### Safety and Public Order

Ensure anyone under the influence of alcohol or drugs is not allowed to participate.

Ensure that an appropriate number of stewards or marshals are available and that stewards:

- Are briefed by Organisers and given guidance and instruction on their role prior to the procession.

- Carry proof of status.
- Co-operate with the Police as required.
- Are highly visible and easily identifiable.
- Conduct themselves in a proper manner.
- Ensure that participants comply with directions regarding their own public safety and that of members of the public.
- Accept that he/she is responsible for the behaviour of all participants including bands where appropriate (or its followers), and for ensuring general compliance with the Council's Policy on Public Processions and Police instructions.
- Ensure that the behaviour of participants could not reasonably be perceived as being deliberately aggressive (that is threatening, abusive, homophobic, sectarian or racist).
- Note that the Council may take into account any public disorder, anti-social behaviour or damage to property resulting from a specific procession, if notification is received from the Organiser for a similar march.

### Routes

- Ensure that, wherever possible, processions follow main thoroughfares.
- Ensure that the Police are assisted in guaranteeing passage for traffic and pedestrians.
- Ensure that the procession is split into sections in order to avoid serious dislocation of traffic and to facilitate the crossing of pedestrians who have a right of free access and passage to or through any public area.
- Ensure that all playing of music ceases when approaching or passing places of worship while services are in progress as may be instructed by the Police.

### Legal Requirements

- Note that the conditions of Section 62 of the Control of Pollution Act 1974 in relation to the use of loudspeakers shall be observed (generally no use between 10pm and 6am).
- Note that the terms of the Public Order Act 1986 in relation to the prohibition of the wearing of uniforms signifying association with any political organisation etc shall be observed.

### **GUIDANCE FOR PARTICIPANTS**

- Behave with due regard for the rights, traditions and feelings of others in the vicinity of the procession, particularly in areas where there has previously been public disorder around processions.
- Behave with due respect at "sensitive" areas such as places of worship.
- Refrain from using words or behaviour which would reasonably be perceived as being deliberately aggressive (that is threatening, abusive, homophobic, sectarian, or racist).
- Obey the lawful direction of procession Organisers, stewards and Police at all times.
- Keep to the designated routes.
- Refrain from consuming alcohol or drugs prior to or during the procession.
- Disperse in good order as soon as the procession concludes.

### **FURTHER GUIDANCE FOR ORGANISERS**

If you intend organising a public procession you can pick up a notification form from the Office of City Solicitor, Town House, Aberdeen, download one from the Council's website or request one to be sent to you through the post by telephoning (01224) 522377.

The notification form asks for :

1. The Organisers name and address.
2. The name of the organisation.

3. The reason for the procession.
4. The date, time and proposed route.
5. The number of people likely to take part.
6. The arrangements for controlling the procession.
7. The number of buses/coaches involved.
8. The name of any bands participating.

Depending on the circumstances of the procession, you may also be asked to submit a Risk Assessment Form.

You should read the notification form, along with the Council's Policy on Public Processions, and when completing the form take into account all aspects of the Policy. If you believe you have any difficulty in complying with the Policy's conditions, you must explain this in detail when submitting the form and give reasons why any exceptions to the Policy should be considered.

We expect all Organisers to :

- Act responsibly in ensuring processions are organised for appropriate purposes.
- Where appropriate, consider the scope for combining processions, particularly if they repeatedly follow the same route(s) or are set to take place in consecutive weeks.
- Once you have completed the notification form, it should be forwarded to the office of the City Solicitor.

#### **HOW WE WILL DEAL WITH NOTIFICATIONS**

When we receive your notification, we will seek to assess whether it's likely to be contentious or otherwise and designate it high or low risk. Arrangements are being made to notify and inform members of the public and other groups and organisations of proposed processions. Any person or body can submit a letter to the Council raising any concerns or observations they wish to make relative to the proposed procession.

We shall send a copy to staff in the Council's Roads' Team requesting their observations on the procession

In circumstances where the notification is deemed to be low risk, copies will only be circulated to the Police and staff on the Council's Roads' Team.

If there are no objections to the notification, the Council will send you a letter confirming details of the procession, including the date, route and time, together with any other reasonable conditions which you will be obliged to follow.

Depending on the information you supply in the notification form, you may be asked to attend a meeting with Council officers and the Police to discuss the procession. This is likely if your procession route goes through the City Centre and is deemed to be high risk.

If your procession is to end in a rally or demonstration in a public space owned by the Council such as the Castlegate, a public park, pedestrian area, event space, such as the Queen's Links, civic space or car park, you should contact in the first instances, the City Events Team situated on the 2nd Floor of St Nicholas House for the necessary consents.

Current legislation presumes the right to hold a procession and, as a Council, we must justify any conditions or prohibitions in relation to the specific circumstances of a procession.

#### **HOW WE DEAL WITH OBJECTIONS**

Where objections have been received from the Police or concerns raised by local residents or businesses, we will make every effort to communicate and negotiate with you, as procession

Organiser, to resolve concerns to the mutual satisfaction of all involved. This may result in you having to submit a revised and mutually agreed notification.

If, however, it is impossible to resolve difficulties through negotiation, a formal meeting of the Licensing Committee will be arranged to consider the notification and the issues raised.

At the Committee meeting those proposing the procession and those objecting to it will be invited to present their cases and Committee Members will have the opportunity to question them.

After hearing all parties, the Committee will announce its decision which will be confirmed in writing. The Council can either prohibit the holding of a procession or impose conditions on it.

The use of restrictions may include :

- Making alterations to the date, time, duration or route of the procession.
- Asking for stewarding arrangements to be strengthened.
- Seeking to prevent a procession to ensure that anti-social behaviour is not promoted.
- Prohibiting its entry to any public place specified in the Order.
- If the Council decides to prohibit a procession under Section 63(1) of the Civic Government (Scotland) Act 1982, a letter will be sent to you as Organiser as early as possible after the Hearing, containing a Statement of Reasons as to why the procession has been prohibited.

## **WHAT WE TAKE INTO ACCOUNT IN CONSIDERING YOUR NOTIFICATION**

In considering the notification of a procession the Council the following will apply :-

In terms of the volume of processions we will consider :

- The number of processions that have taken place within the area affected by the proposed procession within the last year and in light of this the potential for the procession to cause excessive disruption to residents and businesses in the area and to motorists, pedestrians and public transport users along its proposed route.

In terms of the timing of processions we will presume that :

- Processions will take place between 9.00am and 6.00pm and that no music will be played before 9.00am or later than 6.00pm, unless good reasons are presented as to why these conditions should not apply.

In terms of procession routes, we will consider :

- The impact of the route on residents, businesses and transport users and seek to balance the desire of the procession Organisers for a particular route with the impact on other people affected by that route. The presumption is that processions will avoid main residential estates and should, where practical, keep to the main arterial routes.
- Organiser's proposals for stewarding and other arrangements. If we need to alter proposed routes to limit disruption in local areas, we will also try to maximise opportunities for the Police and Roads' staff to ensure that traffic and pedestrian movement is disrupted as little as possible.

In terms of likely threat to public disorder we will consider :

- Police advice regarding public safety or potential public disorder in relation to any proposed procession, as well as Police reports on the extent to which previous processions have involved anti-social behaviour on the part of participants or followers.

- Any representations from residents, businesses and others whose activities are likely to be affected by the proposed procession regarding the expectation of disruption, public disorder and anti-social behaviour.
- Any assessments or representations from the Council's Roads Services staff.

Once we have assessed these reports we will decide whether to :

- Make alterations to the route.
- Impose conditions on the procession.
- Ask for stewarding arrangements to be strengthened.
- Seek to prevent a procession to ensure that anti-social behaviour is not promoted.
- We will look at the impact of a procession on its totality.

The likelihood of any restriction will be greater where the procession or its followers have previously :

- Caused public disorder or damage to property.
- Been involved in anti-social behaviour.
- Failed to comply with Police instructions on the day.

## **APPEALS**

You can appeal against an Order made under Section 63(1) of the Act. This appeal should be made by way of a Court Action, known as Summary Application, and lodged with the Sheriff Clerk within 14 days of the date you receive the refusal letter and Statement of Reasons.

An appeal may be upheld by the Sheriff if he/she considers that the Council in making its decision had :

- Based its decision on any incorrect material fact.
- Erred in Law.
- Exercised its discretion in an unreasonable manner.
- Otherwise acted beyond its powers.

The Sheriff on considering its appeal under this Section may hear evidence by or on behalf of any party to the appeal and will also take into account the actions of the Council and give it the opportunity to be heard.

If the Sheriff upholds an appeal he/she may either :

- Remit the case with reasons for his/her decision to the Council for reconsideration.
- Squash, vary or substitute the Order under appeal, if there is insufficient time for the case to be remitted to the Council.
- Dismiss the appeal

## **CANCELLATIONS**

Decisions of the Sheriff may be appealed to the Court of Session on a point of law within a period of 28 days.

If you have to cancel your procession or demonstration, it is your responsibility, as Organiser, to advise the office of the City Solicitor as soon as possible. Where practical you should confirm the cancellation in writing.

## **PUBLICATION OF PROCESSION DETAILS**



Details of known forthcoming processions will be placed on the Council's website at [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk). This information will be updated regularly.

## ENQUIRIES

You can make specific enquiries on particular processions to :-

The Office of City Solicitor  
Licensing Team  
Town House  
Aberdeen  
AB10 1AQ

OR

Telephone (01224) 522377

OR

E mail at [licensing@aberdeencity.gov.uk](mailto:licensing@aberdeencity.gov.uk)

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PUBLIC PROCESSIONS

RISK ASSESSMENT FORM TO BE COMPLETED BY PROCESSION ORGANISERS

SECTION ONE

Your Name STEWART AITKEN - ABERDEEN INTERNATIONAL YOUTH FESTIVAL  
Address SEVENTEEN, 17 BELMONT STREET  
ABERDEEN  
Post Code AB10 1TR  
Tel Number 01224 213800 Mobile Number 07506657780  
E-mail Address stewart@aiyf.org  
Date of Procession 26<sup>th</sup> July 2014 Time 11am  
Proposed Route QUEEN ST - BROAD ST -  
UPPERKIRKSTON - SCOTLAND HILL -  
BUCKFORTH ST - ST. ANDREW'S ST - GEORGE ST PRECINCT.

General Information for the organiser :

We are asking you to fill in this risk assessment form to help us to understand what dangers and risks might be associated with holding your event. This form will take you through the most common areas of risk which we and the Police might want to raise with you. We and the Police may carry out our own assessment of risk and may want to discuss our assessment with you before any meeting is held or at the first meeting itself.

When a risk assessment may not be needed :

We will tell you if you need to fill in this risk assessment form. You may not need to carry out a risk assessment, for example, if we consider your procession is routine or it has already been decided that the procession will carry little to no risk.

Purpose of filling in the risk assessment form :

A risk assessment of the procession will help to -

- Identify any dangers associated with holding it
- evaluate the level of any known risks
- decide who is at risk and in what way and how the risk to them could be reduced or removed
- decide, where other types of risk have been identified, whether it would be possible to introduce appropriate measures to allow the procession to go ahead

### **Who should be filling this form in :**

It would be preferable if you were a suitably qualified person (e.g. someone who is trained in health and safety regulations). If that is not possible, someone else in the organisation with a good knowledge of the area where the march is to be held should fill it in. We will then check the form and compare it to the assessment of risk which we and the Police may be carrying out.

### **How to fill in the form :**

You should work your way through the form section by section. If there are parts to sections which you cannot fill in, you should contact the person named at the end of the form. If your overall assessment shows that there is a high risk associated with holding the procession, you should get in touch as soon as possible to discuss if we can find solutions to reduce or remove the risk. Once we have considered the notification, the risk assessment and all other evidence, we may contact you to hold a meeting.

### **Who you should send the form to :**

You should send your risk assessment form, with your notification form, to the person named at the end of this form at least 28 days before you plan to hold a procession. If you cannot send your risk assessment with the notification, you should do so as soon as possible thereafter.

### **Next steps :**

We will assess the risks associated with holding your procession as early as we can. You should remember to keep a copy of this form for your records and bring it with you for any meeting which we may hold. This is because we and the Police may want to raise issues with you about how your assessment compares to our in case there are problems, we may need further meetings.

## **SECTION TWO**

### **Main Risk Assessment**

The table in this section sets out the main areas of the risk assessment. You should provide as many supporting comments as you can.

Question	You must provide supporting comments in the boxes below. (Attach other pages if required)
Is the date of your procession particularly significant to the organisation?	IT IS THE FIRST SATURDAY OF THE A&F FESTIVAL
Has your organisation marched along the same route before?	No
Are there enough trained stewards to control the number of marchers expected?	YES - AS WITH OUR PREVIOUS PORT PARADE WE WILL USE A MIX OF PROFESSIONAL AND VOLUNTEER STAFF
Have there been any difficulties or tensions in the recent past with holding this procession?	No - WE HAVE BEEN PART OF THE ACC TALKIN DAY PARADES
Please assess the level of risk there may be to public safety. (Please also say whether the risk is low or high)	<ol style="list-style-type: none"> <li>1. Public getting caught up in parade - low</li> <li>2. Traffic disruption or entering parade - low</li> <li>3. Equipment falling - low.</li> </ol>
Please assess any risk to public order. (please also say whether the risk is low or high)	No risks that can be identified other than the general risk that any procession attracts a wide range of people in the crowds - low.
Please assess the risk of damage to property. (please also say whether the risk is low or high)	<ol style="list-style-type: none"> <li>1. Risk due to size of numbers in crowd - low</li> <li>2. Risk due to accident/problem with equipment or performance prop - Low</li> </ol>

Please assess the risk of disruption to local business, the community or shoppers and traffic from holding the procession. (Please also say whether the risk is low or high)	<ol style="list-style-type: none"> <li>1. Part of the plan for the parade is to encourage local businesses to use the event to promote themselves - low disruption</li> <li>2. Low disruption to shoppers</li> <li>3. Medium disruption to traffic as parade progresses down the street</li> </ol>
Taking account of all the information in this table, what is your opinion of the overall risk of holding the procession? Is it low or high	Low

### SECTION THREE

This section details other information which you should consider as part of a general assessment of the procession. You should assess the following :-

The main considerations	Supporting comments
At the end of the march, what are your arrangements for getting marchers to go home?	The parade finishes with performances on George Street pedestrian precinct. The marchers will then participate in A14F's Festival in the City
Are you organising any other social events at the end of the march? (please give details of what these are). And will you need a Police presence?	<ul style="list-style-type: none"> <li>* Performance at end of parade in George Street</li> <li>* Short performances from 4pm in City Centre venues as part of "Festival in the City"</li> </ul>
Is the proposed route shown on your notification as a route that your organisation commonly uses?	No
Have you taken out insurance to help cover for any risks arising from the procession?	Yes
What is your assessment of the risks to marchers if the route passes through communities which may be against the march?	N/A

Some police patrol appreciated

Do you have enough security in place for any coaches and other vehicles ?	Yes
Have you assessed what other priorities there may be in the area on the day of the march ?	* Concert in Union Terrace Gardens * Street Market in Belmont Street
Have you considered the effect on the community as a whole if march went ahead ?	We believe it will have a positive effect in celebrating the cultural diversity of the city. * event, John Lewis, ACE * Bon Accord Centre are partners.
Could you combine this procession with other similar events in the area ? If not, why not ?	Yes : if following similar aims.

#### SECTION FOUR

##### Final assessment

If the local authority is holding a meeting, I would like to raise the following points about this risk assessment.

- > Traffic control & Road closures
- > Levels of noise
- > Erection of staging
- > Levels of stewarding
- > Festival in the city - any licences required.

Please provide any other supporting comments in the box below.

Initial discussion held with Kenny Locke ACC events

updated route agreed by City Events committee

## SECTION FIVE

### Declaration

I have assessed the risks associated with holding the above procession.

I will come to any meeting which may be needed.

Signature of the person carrying out the risk assessment \_\_\_\_\_

**NB** You only need to fill in this part of the form if you are not the person who carried out the risk assessment)

Name (Block Capitals) \_\_\_\_\_

Date \_\_\_\_\_

## SECTION SIX

Please return the completed risk assessment form along with your notification form to the following address :-

Licensing  
Office of City Solicitor  
Resources Management  
Aberdeen City Council  
Town House  
Broad Street  
Aberdeen

AB10 1AQ

We will ensure that a copy of your risk assessment is sent to Grampian Police.